



WESTERN CAUCUS NEWS

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Congressional Western Caucus Applauds Federal Ruling on ESA

Washington D.C. - Members of the Congressional Western Caucus today applauded the recent Ninth Circuit Court of Appeals ruling that will now require environmental groups to prove harm to species, not just allege it under the Endangered Species Act.

The April 25, 2005 decision by the Court of Appeals clarifies for the first time that environmental plaintiffs must present actual evidence that a species is likely to be harmed before an injunction can be issued against a property owner, and that a lack of evidence of past harm is indicative of the likelihood of future harm.

Responding to the decision, Congressman Chris Cannon-UT, Chairman of the Congressional Western Caucus said "This is a clear victory for western property owners. For many years, some environmental groups have chosen litigation against property owners without adequate justification or baseless claims. I hope those groups will wake up and realize they must have legitimate evidence before proceeding through the courts."

"This ruling re-affirms what Westerners have been saying all along, that courts must base their environmental rulings on scientific fact, not scare tactics used by partisan environmentalist groups," said Congressman Jeff Flake-AZ, Vice-Chairman of the Congressional Western Caucus.

The case, brought by the Idaho Watersheds Project, claimed Idaho rancher Verl Jones and his family were violating the ESA by diverting water from Otter Creek and killing bull trout protected under the Act. The group presented no evidence that bull trout were being harmed to support their claim.

The Ninth Circuit overturned the District Court's decision ordering the Jones's to stop diverting water to the family ranch, and ruled that courts cannot defer to environmentalists' assertions of harm to a species. The court reversed and remanded the case to the lower court for trial to consider the evidence and lack of evidence presented. The unpublished decision by the Ninth Circuit clarifies the type of evidence that must be demonstrated in order for an environmental plaintiff to obtain an injunction under ESA.

The Western Caucus is comprised of members of Congress committed to protecting the interests and ideals of the West. The mission of the Western Caucus is to focus on improving the quality of life in rural areas through policies that promote limited government, individual liberty, and economic opportunity.

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